

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RYAN, LLC,

*Plaintiff,*

v.

Civil Action No. 3:24-cv-0986-E

FEDERAL TRADE COMMISSION,

*Defendant.*

**UNOPPOSED MOTION OF U.S. REPRESENTATIVE MATT GAETZ FOR  
LEAVE TO FILE A BRIEF AS *AMICUS CURIAE* IN SUPPORT OF  
DEFENDANT FEDERAL TRADE COMMISSION**

Pursuant to Local Rule 7.2(b), United States Representative Matt Gaetz respectfully moves this Court for leave to file the attached brief as *amicus curiae* in support of Defendant Federal Trade Commission and in opposition to Plaintiffs' motions for a stay of effective date and for a preliminary injunction. For the reasons described below, the proposed brief contains relevant material that may aid the Court in resolving the issues raised by Plaintiffs' motion. Counsel for the parties have been consulted regarding this motion, and all parties have indicated they do not oppose the filing of this *amicus* brief.

*Amicus curiae* is uniquely positioned to opine on the law and policy relating to the Federal Trade Commission's rule banning noncompete agreements, both on the reasonableness and merits of the rule itself and on the question of whether

Congress delegated authority to the Federal Trade Commission to adopt substantive rules.

This case involves challenges to a regulation promulgated by the Federal Trade Commission pursuant to Sections 5 and 6(g) of the Federal Trade Commission Act. *Amicus* has have extensive experience on the rulemaking process, interbranch coordination, and Congressional oversight of agency organic authority. *Amicus curiae* is submitting this brief to give the Court the benefit of his experience and expertise, and to provide information not brought to the Court's attention by the parties to this case.

### **CONCLUSION**

The Court should grant *amicus curiae* leave to file the attached brief in support of defendants and in opposition to Plaintiff's motions for stay of the effective date and for preliminary injunction.

Dated: June 4, 2024

Respectfully submitted,

By: /s/ Andrew Kloster

Andrew Kloster

New York State Bar No. 4960399

(*Pro hac vice* forthcoming)

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*Counsel for Amicus Curiae*

### **CERTIFICATE OF COMPLIANCE**

This document complies with Judge Brown's Motion Practice procedures II.A because it contains 289 words and has been prepared using Microsoft Word in 14-point Times New Roman font, except for the footnotes, which are in Microsoft Word 11-point Times New Roman font.

Date: June 4, 2024

/s/ Andrew Kloster  
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### **CERTIFICATE OF CONFERENCE**

I hereby certify, pursuant to Local Rule 7.1, that on May 30, I conferred with counsel for Plaintiff, counsel for Plaintiff-Intervenor, and counsel for the Department of Justice for their position on this motion. Counsel for Plaintiff, Plaintiff-Intervenor, and the Department of Justice consent to the relief requested in the motion.

Date: June 4, 2024

/s/ Andrew Kloster  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused the foregoing document to be filed with the Clerk of the Court of the United States District Court for the Northern District of Texas using the Court's CM/ECF system, which sent notification of such filing to all counsel of record.

Date: June 4, 2024

/s/ Andrew Kloster  
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